

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 505**

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**Introduced by Assembly Member Furutani**

February 24, 2009

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An act to ~~amend Section 1210.8 of~~ add Section 9002.4 to, and repeal Section 9003 of, the Penal Code, relating to ~~criminal procedure sex offenders.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 505, as amended, Furutani. ~~Criminal procedure: electronic monitoring devices.~~ Sex offenders: monitoring and housing.

Existing law establishes the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation, the purpose of which is to address issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization, as specified. The provisions relating to the creation and regulation of the board are scheduled to remain effective only until January 1, 2010.

This bill would delete the repeal date of January 1, 2010, thereby making the provisions relating to the Sex Offender Management Board operative indefinitely. The bill would require the Sex Offender Management Board to conduct a thorough assessment of (1) the increasing number of unmonitored transient adult sex offenders residing in California communities, and (2) the increasing clustering of the housing of adult sex offenders residing in California communities, and provide a report and plan with recommendations to the Legislature and the Governor, as specified.

~~Existing law authorizes a county probation department to utilize a continuous electronic monitoring device to electronically monitor the whereabouts of a person on probation, as specified. Existing law establishes required attributes of these devices, including that the device function 24 hours a day.~~

~~This bill would specify that the device function 24 hours a day, 7 days a week.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 9002.4 is added to the Penal Code, to  
2     read:

3     9002.4. The board, in addition to any other duty specified in  
4     Section 9002, shall do the following:

5     (a) Conduct a thorough assessment of (1) the increasing number  
6     of unmonitored transient adult sex offenders residing in California  
7     communities, and (2) the increasing clustering of the housing of  
8     adult sex offenders residing in California communities. A report  
9     on the findings of this assessment shall be submitted to the  
10    Legislature and the Governor by January 1, 2012.

11    (b) Develop recommendations, based upon the findings in the  
12    assessment, to improve management practices of adult sex  
13    offenders under supervision in the community, with the goal of  
14    improving community safety. The plan shall address all significant  
15    aspects of community management including supervision,  
16    treatment, housing, transition to the community, interagency  
17    coordination, and the practices of other entities that directly or  
18    indirectly affect the community management of sex offenders. The  
19    board shall provide information to the Legislature and the  
20    Governor as to its progress by January 1, 2013. The completed  
21    plan shall be submitted to the Legislature and the Governor by  
22    January 1, 2014.

23    (c) The board shall conduct public hearings, as it deems  
24    necessary, to provide opportunities for gathering information and  
25    receiving input regarding the work of the board from concerned  
26    stakeholders and the public.

27    SEC. 2. Section 9003 of the Penal Code is repealed.

1     9003. ~~This chapter shall remain in effect only until January 1,~~  
2     ~~2010, and as of that date is repealed, unless a later enacted statute,~~  
3     ~~that is enacted before January 1, 2010, deletes or extends that date.~~

4     SECTION 1. ~~Section 1210.8 of the Penal Code is amended to~~  
5     ~~read:~~

6     ~~1210.8. A county probation department may utilize a~~  
7     ~~continuous electronic monitoring device pursuant to this section~~  
8     ~~that has all of the following attributes:~~

9     ~~(a) A device designed to be worn by a human being.~~

10    ~~(b) A device that emits a signal as a person is moving or is~~  
11    ~~stationary. The signal shall be capable of being received and~~  
12    ~~tracked across large urban or rural areas, statewide, and being~~  
13    ~~received from within structures, vehicles, and other objects to the~~  
14    ~~degree technically feasible in light of the associated costs, design,~~  
15    ~~and other considerations as are determined relevant by the county~~  
16    ~~probation department.~~

17    ~~(c) A device that functions 24 hours a day, seven days a week.~~

18    ~~(d) A device that is resistant or impervious to unintentional or~~  
19    ~~willful damage.~~